

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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AITABDELLAH SALEM,

Plaintiff,

-against-

CITY OF NEW YORK, JOSEPH PONTE, COMMISSIONER OF
THE NEW YORK CITY DEPARMTENT OF CORRECTION,
IN HIS INDIVIDUAL CAPACITY, JOHN DOE NO.1,
WARDEN, NEW YORK CITY DEPARTMENT OF
CORRECTION, IN HIS INDIVIDUAL CAPACITY, JOHN DOE
NO. 2, ASSISTANT WARDEN, OF THE NEW YORK CITY
DEPARTMENT OF CORRECTION, IN HIS INDIVIDUAL
CAPACITY, JOHN DOE NO.3, TOUR COMMANDER NEW
YORK CITY DEPARTMENT OF CORRECTION, AMKC,
RIKERS ISLAND, IN HIS INDIVIDUAL CAPACITY, JOHN
DOE NO. 4, CAPTAIN, NEW YORK CITY DEPARTMENT OF
CORRECTION, AMKC, RIKERS ISLAND, IN HIS
INDIVIDUAL CAPACITY.

**DEFENDANTS' NOTICE OF
MOTION TO DISMISS THE
SECOND AMENDED
COMPLAINT PURSUANT
TO F.R.C.P. 12(b)(6)**

17-CV-4799 (JGK)

Defendants.

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PLEASE TAKE NOTICE that, upon the annexed Declaration of Joseph Gutmann in Support of Defendants' Motion to Dismiss the Second Amended Complaint, dated November 13, 2018, and Memorandum of Law of the same date, defendants City of New York and Ponte will move this Court, before the Honorable John G. Koeltl, at the United States Courthouse for the Southern District of New York located at 500 Pearl Street, New York, New York, for an Order pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, dismissing plaintiff's alleged claims with prejudice, together with such further and other relief as this Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that plaintiff's opposition papers, if any, are due on or before January 4, 2019, and reply papers, if any, are due on or before January 22, 2019.

Dated: New York, New York
November 13, 2018

ZACHARY W. CARTER
Corporation Counsel for the
City of New York
Attorney for Defendants City and Ponte
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By: /s/
Joseph Gutmann
Senior Counsel
Special Federal Litigation Division

cc: **VIA FIRST CLASS MAIL & ECF**
Welton K. Wisham, Esq.
Attorney for Plaintiff